

9-15-06

DACT



Docket No.: 013436.0235PTUS
(Bortolini 6-7-1)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Edward J. Bortolini et al.

Application No.: 09/766736

Confirmation No.: 1298

Filed: January 22, 2001

Art Unit: 2623

For: DISTRIBUTED BROADBAND CABLE
MODEM TERMINATION SYSTEM

Examiner: U. Raman

**PETITION UNDER 37CFR 1.47(A)
TO ACCEPT THE FILING OF A RULE 131 DECLARATION
IN THE ABSENCE OF ALL THE INVENTORS' SIGNATURES**

The undersigned attorney of record hereby petitions to have the enclosed Rule 131 Declaration accepted under 37 CFR 1.47(a) in the absence of the signatures of all of the inventors. Enclosed herewith is an Affidavit reciting the proof of the pertinent facts, the fee set forth in Section 1.17(i), and the last known addresses of the nonsigning inventors Edward J. Bortolini, Chia Chang Li, and Roger W. Loots are noted below.

As described in the enclosed Affidavit, the inventors named in this Application, Edward J. Bortolini, Chia Chang Li, and Roger W. Loots, are the inventors named in the present Application, Serial Number 09/766736, filed on January 22, 2001. Edward J. Bortolini, located at a last known address of 18 Shady Hollow, Nederland, Colorado 80466, Chia Chang Li, located at a last known address of 26 Longview Drive, Holmdel, New Jersey 07733, and Roger W. Loots, located at a last known address of 3515 Buffalo Avenue, Broomfield, Colorado 80020, have constructively refused to execute the Rule 131 Declaration in the present application.

The undersigned forwarded a copy of the Rule 131 Declaration to the nonsigning inventors Edward J. Bortolini, Chia Chang Li, and Roger W. Loots on August 21, 2006.

The inventor Edward J. Bortolini has indicated that he wishes to receive additional compensation for the execution of the Rule 131 Declaration required to perfect the filing of the

present Application that describes and claims the invention made by the inventors Edward J. Bortolini, Chia Chang Li, and Roger W. Loots.

The inventors Chia Chang Li, and Roger W. Loots have failed to respond to repeated attempts to contact them via Registered Mail and Telephone calls. These attempts were delivery of the Rule 131 Declaration required to perfect the filing of the present Application that describes and claims the invention made by the inventors Edward J. Bortolini, Chia Chang Li, and Roger W. Loots and subsequent requests for them to execute the Rule 131 Declaration required to perfect the filing of the present Application that describes and claims the invention made by the inventors Edward J. Bortolini, Chia Chang Li, and Roger W. Loots, respectively.

The inventors Edward J. Bortolini, Chia Chang Li, and Roger W. Loots have, by their above-described actions and inaction, constructively refused to sign the Rule 131 Declaration required to perfect the filing of the present Application that describes and claims the invention made by the inventors Edward J. Bortolini, Chia Chang Li, and Roger W. Loots.

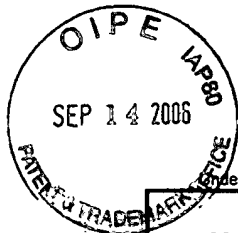
The undersigned believes that this submission perfects the filing of the Rule 131 Declaration executed on behalf of the inventors by Applicant in the present Application and that no additional fees are due. However, if a fee is due, please charge our Deposit Account No. 50-1848, under Order No. 013436.0235PTUS from which the undersigned is authorized to draw.

Respectfully submitted,
PATTON BOGGS LLP

Dated: 14 SEPTEMBER 2006

By: James M. Graziano
James M. Graziano
Registration No.: 28,300
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(303) 894-9239 (Fax)
Attorney for Applicant

Customer No. 24283



PETITION FEE Under 37 CFR 1.17(f), (g) & (h) TRANSMITTAL (Fees are subject to annual revision) Send completed form to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number	09/766,736-Conf. #1298
	Filing Date	January 22, 2001
	First Named Inventor	Edward J. Bortolini
	Art Unit	2611
	Examiner Name	U. Raman
	Attorney Docket Number	013436.0235PTUS (Bortolini 6-7-1)

Enclosed is a petition filed under 37 CFR 1.47 that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 200.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

Payment of Fees (small entity amounts are NOT available for the petition fees).

☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 50-1848 :
☐ petition fee under 37 CFR 1.17(f), (g) or (h) ☒ any deficiency of fees and credit of any overpayments

Enclose a duplicative copy of this form for fee processing.

☐ Check in the amount of \$ _____ is enclosed.

☒ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462

For petitions filed under:

- § 1.36(a) – for revocation of a power of attorney by fewer than all applicants.
- § 1.53(e) – to accord a filing date.
- § 1.57(a) – to accord a filing date.
- § 1.182 – for decision on a question not specifically provided for.
- § 1.183 – to suspend the rules.
- § 1.378(e) – for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) – to accord a filing date to an application under § 1.740 for extension of a patent term.

Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463

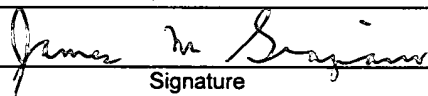
For petitions filed under:

- § 1.12 – for access to an assignment record.
- § 1.14 – for access to an application.
- § 1.47 – for filing by other than all the inventors or a person not the inventor.
- § 1.59 – for expungement of information.
- § 1.103(a) – to suspend action in an application.
- § 1.136(b) – for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 – for review of refusal to publish a statutory invention registration.
- § 1.296 – to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 – for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) – for patent owner requests for extension of time in *ex parte* reexamination proceedings.
- § 1.956 – for patent owner requests for extension of time in *inter partes* reexamination proceedings.
- § 5.12 – for expedited handling of a foreign filing license.
- § 5.15 – for changing the scope of a license.
- § 5.25 – for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464

For petitions filed under:

- § 1.19(g) – to request documents in a form other than that provided in this part.
- § 1.84 – for accepting color drawings or photographs.
- § 1.91 – for entry of a model or exhibit.
- § 1.102(d) – to make an application special.
- § 1.138(c) – to expressly abandon an application to avoid publication.
- § 1.313 – to withdraw an application from issue.
- § 1.314 – to defer issuance of a patent.


Signature

James M. Graziano
Typed or printed name

14 SEPTEMBER 2006
Date

28,300
Registration No., if applicable